IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.7231 OF 2004

Shri Damu Babu Pawar, .. Petitioner

Vs

Shri Maruti Mahadu Chaskar, .. Respondent

Mr T.D.Deshmukh, for the petitioner.

CORAM : D.B.BHOSALE,J.

DATE : 7th September, 2004

PC:

1. Heard the learned counsel for the petitioner.

2. This petition is directed against the order by which the application for amendment has been allowed by the learned Civil Judge. By way of amendment, the respondent-plaintiff prayed for reconveyance of the sale deed and, in the alternative, for recovery of possession. Mr.Deshmukh, learned counsel for the petitioner, submits that the relief claimed by the respondent-plaintiff by way of amendment is hopelessly barred by limitation and, therefore, it ought to have been rejected. Though what Mr.Deshmukh, learned counsel for the petitioner, contends requires consideration, I would not like to express any opinion at this stage and interfere with the order allowing the amendment. In

my opinion, interest of justice would be served by allowing the petitioner to raise all the contentions in the suit by amending his written statement. The issue of limitation, if raised, may be dealt with by the trial Court at an appropriate stage in accordance with law.

3. With these observations, this petition is disposed of.

(D.B.BHOSALE, J.)